

By Senator Stewart

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1 A bill to be entitled
2 An act relating to firearms without a unique serial
3 number or identifying mark; creating s. 790.261, F.S.;
4 defining terms; specifying requirements for persons
5 manufacturing or assembling a firearm in this state,
6 beginning on a specified date; requiring a person who
7 owns a firearm without an assigned serial number or
8 other identifying mark to comply with certain
9 requirements on or after a specified date; prohibiting
10 the sale or transfer of certain firearms; providing an
11 exception; requiring the destruction of certain
12 firearms; providing requirements for new Florida
13 residents who wish to possess or who own certain
14 firearms; providing criminal penalties; requiring the
15 Department of Law Enforcement to accept applications
16 from persons and grant unique serial numbers or
17 identifying marks if certain conditions are met;
18 requiring the department to approve or deny all
19 applications within a certain timeframe; requiring the
20 department to inform applicants of denials in writing;
21 requiring the department to adopt rules; providing
22 applicability; providing construction; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Section 790.261, Florida Statutes, is created to
28 read:

29 790.261 Manufacture or assembly of firearms without unique

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30 serial number or other identifying mark.—

31 (1) (a) As used in this section, the term:

32 1. "Department" means the Department of Law Enforcement.

33 2. "Manufacturing" or "assembling" a firearm means to
34 fabricate or construct a firearm, or to fit together the
35 component parts of a firearm to construct a firearm. The term
36 does not include a firearm manufactured or assembled by a
37 licensed manufacturer or brought into this state by a licensed
38 importer.

39 (b) Beginning July 1, 2023, a person manufacturing or
40 assembling a firearm in this state shall do all of the
41 following:

42 1. Apply to the department for a unique serial number or
43 other mark of identification pursuant to subsection (3).

44 2.a. Within 10 days after manufacturing or assembling a
45 firearm, engrave or permanently affix to the firearm the unique
46 serial number or other mark of identification provided by the
47 department in a manner that meets or exceeds the requirements
48 imposed on licensed importers and licensed manufacturers of
49 firearms pursuant to 18 U.S.C. s. 923(i) and regulations issued
50 pursuant thereto.

51 b. If the firearm is manufactured or assembled from polymer
52 plastic, embed within the plastic upon fabrication or
53 construction at least 3.7 ounces of material type 17-4 PH
54 stainless steel with the unique serial number or other
55 identifying mark engraved or otherwise permanently affixed in a
56 manner that meets or exceeds the requirements imposed on
57 licensed importers and licensed manufacturers of firearms
58 pursuant to 18 U.S.C. s. 923(i) and regulations issued pursuant

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59 thereto.

60 3. After the serial number or other identifying mark
61 provided by the department is engraved or otherwise permanently
62 affixed to the firearm, notify the department of that fact in a
63 manner and within a timeframe specified by the department and
64 with sufficient information to identify the owner of the
65 firearm, the unique serial number or mark of identification
66 provided by the department, and the firearm in a manner
67 prescribed by the department.

68 (c) Any person who, on or after July 1, 2023, owns a
69 firearm that does not bear a serial number or other identifying
70 mark assigned to it pursuant 18 U.S.C. s. 921 et seq. and the
71 regulations issued pursuant thereto shall do all of the
72 following by January 1, 2024:

73 1. Apply to the department for a unique serial number or
74 other mark of identification pursuant to subsection (3).

75 2. Within 10 days after receiving the unique serial number
76 or other mark of identification from the department, engrave or
77 permanently affix to the firearm the unique serial number or
78 other mark of identification provided by the department in
79 accordance with regulations prescribed by the department
80 pursuant to subsection (3) and in a manner that meets or exceeds
81 the requirements imposed on licensed importers and licensed
82 manufacturers of firearms pursuant to 18 U.S.C. s. 923(i) and
83 regulations issued pursuant thereto.

84 3. After the serial number or other identifying mark
85 provided by the department is engraved or otherwise permanently
86 affixed to the firearm, notify the department of that fact in a
87 manner and within a timeframe specified by the department and

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88 with sufficient information to identify the owner of the
89 firearm, the unique serial number or mark of identification
90 provided by the department, and the firearm in a manner
91 prescribed by the department.

92 (d)1. The sale or transfer of a firearm manufactured or
93 assembled pursuant to this subsection is prohibited. This
94 subparagraph does not apply to the transfer, surrender, or sale
95 of a firearm to a law enforcement agency.

96 2. Any firearm confiscated by a law enforcement officer
97 which does not bear an engraved or otherwise permanently affixed
98 serial number or other identifying mark in accordance with
99 paragraph (b) or paragraph (c), or a firearm surrendered,
100 transferred, or sold to a law enforcement agency, shall be
101 destroyed.

102 (e) A new resident of this state shall apply for a unique
103 serial number or other identifying mark pursuant to subsection
104 (3) within 60 days after arrival for each firearm the resident
105 wishes to possess in this state which the resident previously
106 manufactured or assembled or each firearm the resident owns
107 which does not have a unique serial number or other mark of
108 identification.

109 (f) A person, corporation, or firm may not knowingly allow,
110 facilitate, aid, or abet the manufacture or assembling of a
111 firearm pursuant to this section by a person who is subject to
112 any of the restrictions identified in s. 790.065(2) (a).

113 (g)1. If the violation includes a firearm that is a
114 handgun, a person who violates this subsection commits a
115 misdemeanor of the first degree, punishable as provided in s.
116 775.082 or s. 775.083.

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117 2. If the violation includes any other firearm, a person
118 who violates this subsection commits a misdemeanor of the second
119 degree, punishable as provided in s. 775.082 or s. 775.083 or by
120 a fine not to exceed \$1,000, or both.

121 3. Each firearm found to be in violation of this subsection
122 constitutes a distinct and separate offense. This subsection
123 does not preclude prosecution under any other law providing for
124 a greater penalty.

125 (2) Subsection (1) does not apply to any of the following:

126 (a) A firearm that has a serial number assigned to it
127 pursuant to 18 U.S.C. s. 921 et seq. and the regulations issued
128 pursuant thereto or pursuant to chapter 53 of Title 26 U.S.C.
129 and the regulations issued pursuant thereto.

130 (b) A firearm that is a curio or an ornament as described
131 in 27 C.F.R. s. 479.91, a relic, or an antique firearm as
132 defined in 27 C.F.R. s. 479.11.

133 (c) A firearm made or assembled before October 22, 1968.

134 (3) (a) If the requirements of this subsection are met, the
135 department must accept applications from, and must grant
136 applications in the form of unique serial numbers or identifying
137 marks to, persons who wish to:

138 1. Manufacture or assemble firearms pursuant to paragraph
139 (1) (b); or

140 2. Own a firearm described in paragraph (1) (c).

141 (b) An application made pursuant to paragraph (a) may be
142 approved by the department only if:

143 1. For each transaction, the department completes a
144 background check of the applicant pursuant to s. 790.065 which
145 demonstrates that the applicant is not prohibited by state or

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146 federal law from possessing, receiving, owning, or purchasing a
147 firearm.

148 2. The applicant presents proof of age and identity. The
149 applicant must be 21 years of age or older to obtain a unique
150 serial number or identifying mark for a firearm.

151 3. The applicant provides a description of the firearm that
152 he or she owns or intends to manufacture or assemble, in a
153 manner prescribed by the department.

154 (c) All applications must be approved or denied within 15
155 calendar days after the receipt of the application by the
156 department.

157 (d) The department shall inform applicants denied an
158 application of the reasons for the denial in writing.

159 (e) This subsection does not authorize a person to
160 manufacture, assemble, or possess a weapon prohibited under s.
161 790.221.

162 (4) The department shall adopt rules to administer this
163 section.

164 Section 2. This act shall take effect October 1, 2022.